

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

OCT 26 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

CR-10-24-GF-BMM-02

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL JOHN T.J. CONNOR,

Defendant.

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 11, 2016. (Doc. 213.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 4, 2016. (Doc. 212.) Connor admitted to having violated the conditions of his supervised release by using methamphetamine on several occasions and failing to reside in a residential reentry center. (Doc. 213 at 1.) Judge Johnston found the evidence sufficient to establish that Connor violated the conditions of his supervised release

by using methamphetamine on several occasions and failing to reside in a residential reentry center. *Id.*

Judge Johnston recommends this Court revoke Connor's supervised release and that the Court sentence Connor to eight (8) months imprisonment followed by thirty-seven (37) months of supervised release. (Doc. 213 at 6.) Judge Johnston further recommends that Connor reside in a residential reentry center for the first six months of the supervision period. *Id.*

Connor's criminal history category is I, the current offense is a Grade C violation, and the underlying offense is a Class B felony. The statutory range is a maximum of 36 months. The applicable guideline imprisonment range is 3 to 9 months. The statutory and guideline term of supervised release is a maximum of 45 months.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Connor's current violations are serious and warrant revocation of his supervised release. A sentence of eight (8) months imprisonment with a term of thirty-seven (37) months supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 213) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Tyrell John T.J. Connor shall be sentenced to **eight (8)**

months imprisonment followed by thirty-seven (37) months of supervised release. The previous supervised release conditions are imposed, along with the additional condition that Connor reside in a residential reentry center for the first six months of the supervision period.

DATED this 26th day of October, 2016.

A handwritten signature in black ink, appearing to read "Brian Morris". The signature is fluid and cursive, with a prominent 'B' at the beginning.

Brian Morris
United States District Court Judge